

THE STATE



OF WYOMING

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March 29, 2001

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FCC MAIL ROOM

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-204B
Washington, D.C. 20554

and

Mr. David Rolka
Universal Service Administrative Company
2120 L Street N.W., Suite 600
Washington, D.C. 20037

RE: CERTIFICATION OF THE WYOMING PUBLIC SERVICE COMMISSION THAT
FEDERAL HIGH-COST SUPPORT PROVIDED TO WESTERN WIRELESS
CORPORATION IN WYOMING WILL BE USED ONLY FOR THE PROVISION,
MAINTENANCE, AND UPGRADING OF FACILITIES AND SERVICES FOR WHICH
THE SUPPORT IS INTENDED (CC DOCKET NO. 96-45) /

Dear Ms. Salas and Mr. Rolka:

On December 26, 2000, the Federal Communications Commission (Commission) released a Memorandum and Opinion Order granting the petition of Western Wireless Corporation (Western Wireless) to be designated as an eligible telecommunications carrier (ETC) in designated service areas within Wyoming. This grant of ETC status was issued by the Commission, rather than the Wyoming Public Service Commission, in light of the fact that the Wyoming Public Service Commission found that it did not have the authority to regulate cellular technology or grant ETC status to wireless providers.

The Wyoming Public Service Commission now finds itself in the position of being asked to submit a certification to the Commission and the Universal Service Administrative Company (pursuant to directives found in the Ninth Report and Order and Eighteenth Order on Reconsideration, released November 2, 1999) regarding Western Wireless' use of the federal universal service funds that it may receive as an ETC. We are asked to certify that Western Wireless will use the funds only for their intended purposes of the provision, maintenance, and upgrading of facilities and services pursuant to the universal service principles of the federal Telecommunications Act of 1996. Yet, the Wyoming Public Service Commission continues to be without the authority to regulate the operations or rates of Western Wireless.

The Commission addressed this very situation in paragraph 97 of its November 2, 1999 order in CC Docket No. 96-45. That paragraph states, in part:

. . . We believe, nonetheless, that states that lack direct authority over rates in their jurisdictions would still be able to certify to the Commission that a non-rural carrier in the state had accounted to the state commission for its receipt of federal support, and that such support had been used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. Indeed, in states with limited jurisdiction over carriers, the state need not initiate the certification process itself. Instead, in such states, non-rural LECs, and competitive eligible telecommunications carriers serving lines in the service area of a non-rural LEC, may formulate plans to ensure compliance with section 254(e), and present those plans to the state, so that the state may make the appropriate certification to the Commission. . .

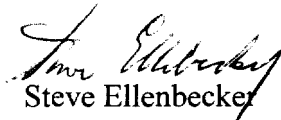
Following this direction, we asked Western Wireless to submit a plan to allow us to provide the necessary information to provide the required certification regarding the use of the funds. The response from Western Wireless is attached and includes a Declaration of Gene DeJordy. In his declaration, Mr. DeJordy indicates, at paragraph 5,


As certified herein, Western Wireless will utilize all federal high-cost universal service support that it will receive in its designated ETC service area in Wyoming only for the purposes of the provision, maintenance, and upgrading of facilities and services for which the support is intended.


The statement then continues with additional specifics of how the funds may be applied for their intended purposes.

The Wyoming Public Service relies upon the statements and assurances of Western Wireless, and specifically the statement of Mr. DeJordy, in making its certification that any federal universal service funds will be used for their intended purposes. Based upon these representations of Western Wireless, we hereby submit our certification that the federal universal service funds received by Western Wireless in Wyoming will be used only for the provision, maintenance, and upgrading of facilities and services provided pursuant to ETC obligations.

Sincerely,


Steve Ellenbecker
Chairman


Steve Furtney
Deputy Chairman


Kristin Lee
Commissioner

Attachment